

## Message Text

LIMITED OFFICIAL USE

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00  
DODE-00 DOTE-00 INR-07 NSAE-00 EPG-02 FAA-00 L-03  
/034 W

-----019505 220235Z /65

R 211635Z JUL 77

FM AMEMBASSY BONN

TO SECSTATE WASHDC 9989

LIMITED OFFICIAL USE BONN 12014

E.O. 11652: N/A

TAGS: EAIR, GW, US, WB

SUBJECT: CIVAIR: PAN AM IGS CLAIM

REF: A. BONN 9650 B. BONN 11312

1. HELD OF FRG FOREIGN OFFICE TRANSPORTATION POLICY UNIT JULY 19 ASKED EMBOFF TO SEEK VIEWS OF DEPARTMENT AND PAN AM ON PAN AM CLAIM FOR DAMAGES SUFFERED BY ITS IGS SERVICES DURING 1975 ATC CONTROLLER SLOW-DOWN IN LIGHT OF JULY 14 DECISION OF FRANKFURT OBERLANDSGERICHT (STATE SUPREME COURT) IN CASE BROUGHT BY CAPITAL INTERNATIONAL AIRLINES. THAT COURT RULED THAT UNDER GERMAN LAWS FOREIGN CARRIER COULD BRING CLAIM ONLY IF COUNTRY OF WHICH THE CARRIER WAS A NATIONAL PROVIDED RECIPROCITY; THAT IS, IN A SIMILAR SITUATION WOULD PERMIT A GERMAN CARRIER TO BRING A CLAIM AGAINST ITS GOVERNMENT. HELD SAID THE FRANKFURT COURT RULED THAT THE US DID NOT PROVIDE THE REQUIRED RECIPROCITY AND SO CAPITOL COULD NOT SUE FOR DAMAGES. THIS DECISION CAN BE APPEALED, BUT HELD OFFERED AS HIS PRIVATE OPINION THAT IT WILL STAND.

2. SPECIFICALLY HELD WOULD LIKE USG AND PAN AM VIEWS  
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ON QUESTION OF WHETHER US LAW DOES PROVIDE RECIPROCITY, WHETHER OBLIGATION OF FRG TO "FACILITATE" BERLIN TRAFFIC MAKES IGS A SPECIAL CASE IN THIS CONTEXT, AND ANY OTHER REACTION TO THE FRANKFURT DECISION (TEXT OF WHICH WE ARE TRYING TO OBTAIN). AGAIN AS HIS PRIVATE VIEW, HELD SAID HE SAW LITTLE CHANCE THAT FRG WOULD MAKE ADMINISTRATIVE SETTLEMENT OF PAN AM CLAIM IF IT

DID NOT SEEM TO HAVE LEGAL BASIS.

3. WE HAVE INFORMED FRANKFURT OFFICE OF PAN AM OF  
ABOVE.

4. ACTION REQUESTED: GUIDANCE ON REPLY FOR EMBASSY TO  
MAKE TO HELD, WOULD BE APPRECIATED.  
STOESSEL

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CLAIMS, LITIGATION, POLICIES  
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**Sent Date:** 21-Jul-1977 12:00:00 am  
**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1977BONN12014  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D770260-0758  
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**Litigation History:**  
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**Message ID:** 84ee6d66-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION EB  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
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**Previous Handling Restrictions:** n/a  
**Reference:** 77 BONN 9650  
**Retention:** 0  
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**Review Content Flags:**  
**Review Date:** 03-Feb-2005 12:00:00 am  
**Review Event:**  
**Review Exemptions:** n/a  
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**Review Release Event:** n/a  
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**Review Withdrawn Fields:** n/a  
**SAS ID:** 1795777  
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**Status:** NATIVE  
**Subject:** CIVAIR: PAN AM IGS CLAIM  
**TAGS:** EAIR, GE, US, WB, PANAM  
**To:** STATE  
**Type:** TE  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009